

PATENT  
Customer No. 22,852  
Attorney Docket No. 05273.0100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Toshihiro NISHIOKA et al. ) Group Art Unit: 1625  
U.S. Patent No.: 7,732,611 B2 ) Examiner: D. Margaret M. Seaman  
Issued: June 8, 2010 ) Confirmation No.: 4695  
For: AMINE SALT OF CARBOSTYRIL )  
DERIVATIVE )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**DETERMINATION OF PATENT TERM ADJUSTMENT - POST GRANT**

As required by 65 FED. REG. 56387 (September 18, 2000), Applicant notifies the Patent and Trademark Office (PTO) of an error in the patent term adjustment. Applicant is in receipt of the Issue Notification and Notice of Determination of Patent Term Adjustment for this patent application advising of a patent term adjustment of 938 days.

This PCT patent application, based on a Japanese Priority Application dated January 21, 2004 and an International (PCT) Application filed January 20, 2005, was entered into the National Stage on July 18, 2006. An Office Action was mailed July 29, 2009 which should have resulted in a PTO delay of 680 days. A response was filed on December 14, 2009 creating an Applicant delay of 46 days. A supplemental response was filed on January 19, 2010 creating an additional Applicant delay of 36 days which does not appear to be included in the PTO's calculations.

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The Notice of Allowance was mailed on January 28, 2010. A Rule 312 Amendment was filed on February 18, 2010. The Examiner acknowledged the 312 Amendment on February 24, 2010 thereby creating an Applicant delay of 7 days. The Issue Fee was paid on April 27, 2010 and the patent issued on June 8, 2010 which is more than 36 months (3 years) from the 371 Completion Date.

In view of the rulings of Wyeth v Dudas, Applicants calculate the total USPTO delay to be 994 days. Applicants delay is 89 days, creating a patent term adjustment of 905 days.

Applicant respectfully requests that the PTO identify how it arrived at this adjustment period.

Please charge any necessary fees required to enter this paper to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated:

June 23, 2010.

By:

  
Arthur S. Garrett  
Reg. No. 20,338